HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.8288 OF 2007

Between:

M/s. Maa Mahamaya Industries Pvt. Ltd.,
Rep., by its Managing Director, R.G. Peta,
L.Kota Mandalam, Vizianagaram District,
Andhra Pradesh

…Petitioner

AND

Union of India, rep., by its Secretary,
Ministry of Energy, New Delhi and two others

...Respondents

: O R D E R :

Counsel for the petitioner : Dr. P.B. Vijaya Kumar

20th April, 2007

Per G.S.SINGHVI, CJ

In this petition, the petitioner has prayed for striking down Section 3 B of the Andhra Pradesh Electricity Duty Act, 1939 as amended by Act No. 14 of 2003. It has further prayed for quashing G.O.Ms.No. 117, Energy (RES) dated 13.10.2003.

We have heard Dr. P.B. Vijaya Kumar and perused the record.

At the commencement of hearing, we enquired from Dr. P.B. Vijaya Kumar whether any action has been taken by the respondents prejudicially affecting the petitioner. To this, learned counsel replied in negative.

In view of the above, we are convinced that no tangible cause has accrued to the petitioner for challenging the vires of the impugned legislation and G.O.Ms.No. 117, dated 13.10.2003 and the writ petition is liable to be dismissed as premature. Ordered accordingly.

It is, however, made clear that as and when any action is initiated by the respondents against the petitioner, then the latter shall be free to file fresh petition.

As a sequel to dismissal of the writ petition, WPMP No. 10641 of 2007 filed by the petitioner for interim relief is disposed of as infructuous.

G.S. SINGHVI, C.J.

C.V. NAGARJUNA REDDY, J.

20th April, 2007
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